

**MINUTES OF THE
AUBURN CITY PLANNING COMMISSION MEETING
June 15, 2010**

The regular session of the Auburn City Planning Commission was called to order on June 15, 2010 at 6:00 p.m. by Chairman Spokely in the Council Chambers, 1225 Lincoln Way, Auburn, California.

COMMISSIONERS PRESENT: Snyder, Spokely, Vitas, Worthington, Young

COMMISSIONERS ABSENT:

STAFF PRESENT: Will Wong, Community Development Director
Reg Murray, Senior Planner
Adrienne Graham, Consulting Planner

I. CALL TO ORDER

II. PLEDGE OF ALLIGIENCE

III. APPROVAL OF MINUTES

None

IV. PUBLIC COMMENT

None

V. COMMISSION BUSINESS

A. CEQA and EIR Primer –

Planner Graham gave the staff report, noting that with the recent release of the Environmental Impact Report (EIR) for the Baltimore Ravine Specific Plan (BRSP), staff thought it would be a good idea to provide a “primer” on EIRs in order to provide the Commission with a better understanding of their purpose, structure and format. Ms. Graham stated that the BRSP EIR would not be discussed and comments would not be taken, however, the BRSP EIR might be used as an example to illustrate certain points.

Planner Graham stated that the purpose of the EIR is to inform the decision makers of the potential environmental effects of a project; to identify ways that environmental damage can be avoided, prevented, or reduced; and to disclose reasons why a project is approved even if it has significant environmental effects.

Planner Graham reviewed the EIR process, including the Notice of Preparation (NOP), draft EIR, Final EIR, and the certification process. Ms. Graham identified the typical contents of an EIR, formatting of EIR sections, and common terminology. Planner Graham also reviewed the environmental topics covered by the EIR including: Aesthetics, Air Quality, Biology, Cultural, Geology, Hazards, Hydrology, Noise, Public Services, Utilities, and Transportation & Circulation.

Commissioner Young asked how long an EIR would be valid for.

Planner Graham stated that there is no particular “shelf life” for an EIR, it depends on the issues analyzed in the document and what’s going on in the world around you. For example, given the current downturn in the economy, some analyses about growth and development may take a number of years to get to the thresholds identified in a particular analysis.

Commissioner Young asked whether the original EIR would be looked if Plan Area 2 was to be considered at some time in the future.

Planner Graham commented that the EIR would be used and that staff would compare any future proposals for Plan Area 2 with the assumptions in the original EIR. Ms. Graham noted that the original EIR might be sufficient, but that some times updates may be required if circumstances change. For example, if new legislation is passed following adoption of an EIR, a focused update may be required to address a particular issue, such as what has occurred in recent years regarding greenhouse gases and climate change.

Commissioner Young asked who monitors the requirements of the EIR.

Planner Graham stated that EIRs include a mitigation monitoring program (MMRP). She indicated that the City is ultimately responsible for insuring that all the mitigations in the MMRP are implemented, though there may be monitors from other agencies, such as the Corps of Engineers, who perform the actual monitoring.

Director Wong stated that the Planning Department will be the City department responsible for verifying all project monitoring.

Commissioner Snyder reinforced that the MMRP lists all the requirements of the project and will be the primary tool the City will use to insure compliance. A large number of the City’s requirements typically seen as conditions of approval will be included in the MMRP.

Chair Spokely asked if the MMRP was recorded against the property.

Director Wong stated that the City does not require the recordation of MMRPs.

Planner Graham noted that disclosure notices might be recorded on a property if some particular purpose is served, but that the entire MMRP is not.

Commissioner Snyder commented that the developer is responsible for all costs associated with the monitoring, and that monitoring requirements could continue for years.

Chair Spokely asked for a clarification between the EIR document and the applicant.

Planner Graham noted that the EIR is the City's document. The applicant pays the City for the preparation of the document through a third-party agreement, but City staff manages and guides the preparation of the EIR and is responsible for the insuring that the EIR is adequate, and the City Council would ultimately certify the document.

Chair Spokely asked who handles responses to comments by the public and what involvement there might be from an applicant?

Planner Graham commented that the City may interact with the applicant if there is a need for project information, however, the City provides the responses to all comments and determines what information goes in the document.

Director Wong affirmed Ms. Graham's comments, indicating that as with all projects in the city, staff does interact with project applicants, but that the City is ultimately responsible for all decisions.

Chair Spokely stated that he brought the question up to insure that, just because the applicant is funding staff's time, it doesn't mean that the applicant dictates any outcome.

Planner Graham commented that the process with the applicant is common throughout the State of California.

Commissioner Vitas asked what the approximate cost is to produce a document such as the BRSP EIR.

Director Wong indicated that the applicant has probably spent over \$1 Million on the EIR.

Planner Murray commented that this includes City staff time, the City's consultants, and sub-consultants.

Commissioner Vitas asked if there would be an impact on the BRSP EIR processing if there was a change in developer at this time.

Director Wong stated not necessarily.

Planner Graham added that if the project gets approved and the applicant sells the project, all mitigation measures still apply to the project.

Director Wong commented that it would be unlikely for the applicant to find a buyer in the middle of the current process.

Commissioner Snyder asked how an applicant should be referred to in the public hearing setting.

Director Wong recommended “applicant” or “Mr. Des Jardins.

Chair Spokely asked about the special studies that have been prepared for and incorporated into the EIR, how complete those studies are (i.e. are they final studies?), and what level of review they have received.

Planner Graham commented that all studies necessary for the BRSP EIR have been completed and have been reviewed by City staff and/or the City’s consultants. For example, the traffic study prepared by Kittleson was reviewed by the City’s traffic consultant, Ken Anderson. Ms. Graham noted that EIRs assume that current laws are implemented. If any changes occur after the certification of an EIR, those changes are dealt with as they come along. For example, if the Water Board were to discharge standards, staff would deal with the changes in the future on an as needed basis.

Chair Spokely indicated he wanted to confirm that a fairly good amount of review that went into the studies prepared for the BRSP EIR.

Director Wong confirmed that a highly detailed level of review occurred by City staff or the City’s consultants.

Planner Graham noted that in some cases more detailed analyses will be prepared in the future as more detailed plans are provided, such as improvement plans.

Director Wong gave an example of more thorough plans and analysis that would occur for tree permits in the future.

Commissioner Worthington asked how the biological resources were mapped.

Planner Graham commented that the City’s biologic consultants performed site surveys and that the Methods discussion in the Biologic section of the EIR described the survey methods.

VI. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS

A. City Council Meetings

The appeal of the Tuscan Palms condo project will be heard on July 12th.

B. Future Planning Commission Meetings

The next regular Commission hearing will be July 6th and July 20th. A special hearing will be held on July 13th at 5:00pm to receive comment on the adequacy of the BRSP EIR.

C. Reports

None

VII. PLANNING COMMISSION REPORTS

The purpose of these reports is to provide a forum for Planning Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

None

VIII. FUTURE PLANNING COMMISSION AGENDA ITEMS

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

None

IX. ADJOURNMENT

The meeting adjourned at 7:13 p.m.

Respectfully submitted,

Reg Murray